

City of Shelton, Decisions 5861 and 5862 (PECB, 1997)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

GREG CRIVELLO,)	
)	
Complainant,)	CASE 12853-U-96-3095
)	
vs.)	DECISION 5861 - PECB
)	
CITY OF SHELTON,)	
)	ORDER OF DISMISSAL
Respondent.)	
<hr/>		
MIKE HUDNELL,)	
)	
Complainant,)	CASE 12993-U-97-3133
)	
vs.)	DECISION 5862 - PECB
)	
CITY OF SHELTON,)	
)	ORDER OF DISMISSAL
Respondent.)	
<hr/>		

On December 2, 1996, a complaint charging unfair labor practices was filed with the Public Employment Relations Commission on behalf of Greg Crivello and Michael Hudnell. Two case numbers were assigned, consistent with Commission docketing practices, once it was determined that the complaint actually encompassed the separate claims of two different employees.

The complaint alleges a violation of Article 10 of a collective bargaining agreement between the City of Shelton and the Shelton Police Officers Guild. Without explanation as to their applicability, the complaint also cites RCW 49.46.160 (no such section exists within the state minimum wage act), RCW 49.42.020 (no such chapter exists), RCW 49.52.050 (which regulates wage deductions), and RCW 49.36.020 (part of a chapter authorizing labor unions).

The complaint was considered by the Executive Director for the purpose of making a preliminary ruling pursuant to WAC 391-45-110. A deficiency notice issued on February 4, 1996, pointed out that the Public Employment Relations Commission does not assert jurisdiction to remedy violations of collective bargaining agreements through the unfair labor practice provisions of the statute. City of Walla Walla, Decision 104 (PECB, 1976). Further, it was noted that the Commission does not have jurisdiction to enforce the other statutes cited in the complaint. The complaint thus failed to state a cause of action, as filed.

The complainants were given 14 days in which to file and serve an amended complaint, or face dismissal of this case. Nothing further has been filed with the Commission.

NOW, THEREFORE, it is

ORDERED

The complaints charging unfair labor practices in the above-captioned matter are DISMISSED for lack of jurisdiction.

ISSUED at Olympia, Washington, this 7th day of March, 1996.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing a petition for review with the Commission pursuant to WAC 391-45-350.